

Application No.: 10/735,275

Docket No.: JCLA10633

**REMARKS****Present Status of the Application**

The Office Action rejected claims 1-8 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particular point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action also rejected claims 1-8 under 35 U.S.C. 102(b), as being anticipated by Bernard (U.S. 5,164,444) or Koch et al. (WO 00/36039). Applicant has amended claims 1, 3 and 4 to improve clarity. After entry of the foregoing amendments, claims 1-8 remain pending in the present application, and reconsideration of those claims is respectfully requested.

**Summary of Applicant's Invention**

The Applicant's invention is directed to an emulsion type modifier of high stability and good durability, of which a small quantity of addition significantly improves adhesion of the pressure-sensitive emulsion acrylic adhesives. The emulsion type modifier can be produced by the method of emulsion and polymerization by using the reactants **only consisting of** a diester of a dicarboxylic acid containing about 6 to about 12 carbon atoms in each alkyl group of the diester, a C2-C16 vinyl ester, a C4-C8 alkyl acrylate, monomers containing an acetoacetoxy functional group, a nonionic surfactant, an anionic surfactant and de-ionized water.

Application No.: 10/735,275

Docket No.: JCLA10633

**Discussion of Office Action Rejections**

*The Office Action rejected claims 1-8 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particular point out and distinctly claim the subject matter which applicant regards as the invention.*

In response thereto, Applicant has amended claim 1, 3 and 4 to further clarify the definition of the claimed subject matter.

*The Office Action also rejected claims 1-8 under 35 U.S.C. 102(b), as being anticipated by Bernard (U.S. 5,164,444; hereafter Bernard) or Koch et al. (WO 00/36039; hereafter Koch).*

Applicants respectfully traverse the rejections for at least the reasons set forth below.

It is well established that anticipation under 35 U.S.C. 102 requires each and every elements of the rejected claims must be disclosed exactly by a single prior art reference.

More specifically, in the present invention, the emulsion type modifier can be produced by the method of emulsion and polymerization by using the reactants **only consisting of** a diester of a dicarboxylic acid containing about 6 to about 12 carbon atoms in each alkyl group of the diester, a C2-C16 vinyl ester, a C4-C8 alkyl acrylate, monomers containing an acetoacetoxy functional group, a nonionic surfactant, an anionic surfactant and de-ionized water. Applicant respectfully submits that the reactants for preparing for the emulsion type modifier only consist the claimed component in claim 1. Applicant further submits that the emulsion type modifier produced by using the claimed reactants without adding any unsaturated carboxylic acid

Application No.: 10/735,275

Docket No.: JCLA10633

possesses unexpected high stability and good durability which both Bernard and Koch do not expect at the time the prior art they disclosed.

In the cited art, Bernard emphasizes that the emulsion based pressure-sensitive adhesives contain a fourth component, unsaturated carboxylic acid containing from about 3 to about 5 carbon atoms and present in a total amount of up to about 5 percent by weight of the polymer preferably from 1 to about 3 percent by weight. Bernard further emphasizes that the unsaturated carboxylic acid can be the acrylic acid (AA), methacrylic acid (MAA) or the mixture thereof (col. 4, lines 21-29). Furthermore, all the examples (example 1-19) recited by Bernard in the cited art show that either acrylic acid, methacrylic acid or the mixture thereof is the essential component for forming the emulsion based pressure-sensitive adhesives disclosed by Bernard. That is, Bernard fails to teach or suggest that the unsaturated carboxylic acid can be eliminated from the list of the reactant component for preparing the emulsion based pressure-sensitive adhesives.

Similarly, Koch also emphasizes that the unsaturated carboxylic acid is the essential component for forming the pressure sensitive adhesives (page 2, lines 19-27). Koch fails to teach or suggest that the unsaturated carboxylic acid can be eliminated from the list of the reactant component for preparing the pressure-sensitive adhesives. Furthermore, both Bernard and Koch disclose the component for producing the emulsion based pressure-sensitive adhesives and fail to mention the formation of the emulsion type modifier for changing the property of the pressure-sensitive adhesives.

**Application No.: 10/735,275**

**Docket No.: JCLA10633**

Therefore, Bernard and Koch substantially fail to teach each and every feature of claims 1 and 8 and therefore, Bernard and Koch cannot possibly anticipate the claimed invention as claimed in the proposed independent claims 1 and 8 in this regard.

Claims 2-7, which depend from claims 1, are also patentable over Bernard and Koch, at least because of their dependency from an allowable base claim.

For at least the foregoing reasons, Applicants respectfully submit that claims 1-8 patently define over Bernard and Koch, and therefore should be allowed. Reconsideration and withdrawal of the above rejections is respectfully requested.

Application No.: 10/735,275

Docket No.: JCLA10633

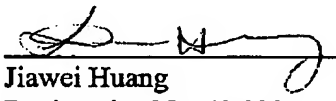
**CONCLUSION**

For at least the foregoing reasons, it is believed that the pending claims 1-8 are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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Respectfully submitted,  
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